REMARKS

Introduction

This amendment is submitted in response to the Office Action mailed on August 19, 2008 ("Office Action"). Claims 1-10, 12-32 and 82-91 are pending in this application. Independent claims 1, 18 and 82 were rejected in the Office Action under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,765,143 to Sheldon et al. ("Sheldon") in view of U.S. Patent No. 5,987,425 to Hartman et al. ("Hartman"). The dependent claims were rejected in view of these documents and, in some instances, in further view of one or more other documents and/or an Official Notice taken by the Examiner. Claims 1-4, 9-10, 12-21, 26-32 and 82-91 have been amended to more clearly define the claimed invention by, *inter alia*, addressing antecedent basis issues.

In the following remarks, applicants respectfully traverse each rejection based on the unamended aspects of the independent claims, and also traverse each Official Notice taken by the Examiner. Reconsideration of the present application and allowance of all of the claims are respectfully requested based on the following remarks.

Summary of Examiner Interview

Applicants' undersigned representative wishes to thank Examiner Sheikh for the courtesies extended during the telephonic interview on October 27, 2008. During the interview, the rejection of independent claim 1 was discussed, along with Sheldon and Hartman. In particular, applicants' representative pointed out that both Sheldon and Hartman fail to show or suggest each of applicants' claimed features. Although no agreement was reached during the interview with regards to patentability, the Examiner asked that this written reply to the Office Action include Remarks consistent with those made by applicants' representative during the Interview, so the Examiner may further consider them upon submission of this reply.

Reply to 35 U.S.C. § 103(a) Rejections

Independent claims 1, 18 and 82 are generally directed to a system and methods for maintaining inventory of a plurality of products. The claims recite a calculator module and adjustor module, which comprise computer instructions for implementing a methodology of controlling the inventory of the product and implementing an inventory adjustor methodology, respectively. In addition, the independent claims recite product information fields that are configurable to define controls, which are used to manage the inventory.

Sheldon discusses a "computer-implemented method for controlling inventory of vendors at one level of a part distribution chain." Sheldon, abstract. Sheldon requires the sharing of data among vendors at the same level of a distribution chain. The vendor's inventory levels are then automatically managed by shipping inventory from the distributor to the vendor(s) in need and transferring inventory from one vendor to another. For this to work, each vendor computer and the distributor's host computer must be "programmed with the inventive order data generation software (and preferably also the inventive forecasting software)." Sheldon, col. 4, lines 23-25.

Sheldon's pre-programmed system, however, includes no configurable fields that define controls used to manage the inventory of a product. This is acknowledged by the Examiner in the Office Action. See Office Action, page 4. To fill this void, the Examiner relies on Hartman.

Hartman is directed to a "variable margin pricing system . . . that generates retail prices based on customer price sensitivity." Hartman, abstract. The Examiner emphasizes that Hartman is focused on a product pricing system in the Office Action. In particular, the Examiner writes, "One of ordinary skill in the art would have been motivated to combine the teachings [of Sheldon and Hartman] in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least Hartman, col. 1, lines 63-67)." Office Action, page 4. Accordingly, even the specific portion relied on by the Examiner (i.e., col. 8, lines 27-57) to fill the void in Sheldon, like the rest of Hartman, is focused on calculating retail prices.

Hartman's user-entered parameters and recommendations for calculating retail prices are used differently than applicant's configurable fields for managing inventory of a product. Hartman's "recommendations for pool assignments" and "parameters for variable margin

formulas" (which were relied on by the Examiner to show applicants' claimed fields) are used only to calculate retail prices. See Hartman, col. 8, lines 27-57. In other words, Hartman's recommendations for pool assignments and parameters for variable margin formulas are not used to manage inventory of a product. As such, both Sheldon and Hartman fail to show or suggest applicants' independent claim feature, "information fields that are configurable to define controls that are used to manage inventory of a product." Applicants' independent claims 1, 18 and 82. In addition, claims 1 and 18 also recite "controlling the inventory of the product using the information stored in the product information fields."

Therefore, even when assuming arguendo that Sheldon and Hartman can be combined as the Examiner suggests, the Sheldon-Hartman system would still fail to show or suggest applicants' claimed invention.[1] At best, the Sheldon-Hartman combination (if permissible) would produce an inventory management system that automatically orders inventory when necessary and without the use of any configurable fields, while allowing the user to configure parameters and recommendations for pricing. The Sheldon-Hartman combination, therefore, fails to show or suggest to one skilled in the art, "fields that are configurable to define controls that are used to manage inventory of a product" or "controlling the inventory of the product using the information stored in the product information fields," as recited by applicants' independent claims.

In addition, Sheldon and Hartman fail to show or suggest at least one calculator module, and at least one adjustor module that operate as recited in applicants' independent claims. In particular, the Examiner relies on a "transaction signal" to show at least one calculator module and a "transaction signal to increase or decrease inventory" to show at least one adjustor module. Office Action, page 3. One skilled in the art would appreciate that a module is not a signal. A module is known in the art as hardware and/or software that generate signal(s).

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[1] However, applicants hereby submit that Sheldon and Hartman, when taken in their entireties, teach away from each other and cannot be combined, because Sheldon requires the cooperation of local competitors to function correctly and Hartman is intended to allow smaller retail stores to be more competitive with larger wholesale stores. In addition, Sheldon's system would not properly function if each competing vendor was able to configure its software, as required in Hartman. If each vendor was given such control over the software, it would promote competition and discourage cooperation among the vendors – which goes directly against the teachings of Sheldon. Applicants reserve the right to submit this argument in more detail if necessary.

For at least the foregoing reasons, Sheldon and Hartman, whether taken alone or in combination, do not teach or suggest the system and methods of independent claims 1, 18 and 82. Since claims 2-10, 12-17, 19-32 and 83-91 depend from and necessarily include all of the recitations of one of independent claims 1, 18 and 82, Sheldon and Hartman, whether taken alone or in combination, do not teach or suggest the system and methods of claims 2-10, 12-17, 19-32 and 83-91 for at least the same reasons as described above in conjunction with the respective independent claims. ("If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious." In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); MPEP § 2143.) Accordingly, it is therefore submitted that the 35 U.S.C. § 103(a) rejections of 1-10, 12-32 and 82-91 have been overcome.

Reply to Claim Objections

Claim 11 was objected to as being omitted from the listing of claims. Applicants have canceled claim 11 and submit that this rejection is now moot. Accordingly, applicants respectfully request that this objection be withdrawn.

Reply to Official Notices

The Examiner has taken a number of Official Notices in rejecting some of the dependent claims. Applicants hereby traverse each Official Notice taken by the Examiner in the Office Action.

In particular, the Examiner took Official Notice with regards to dependent claims 6 and 23, "that it is old and well known in the database arts to include component data that includes information with respect to time, date, and location (e.g. fields within the database that represent a timestamp and location information) for a given data entry." Office Action, page 16. However, applicants' claimed features "the sub-component data include[ing] information related to the time, date, and location where the product is used" adds utility and improves on what is old and well known in the database arts, and thus is not old and well known in the database arts. Applicants also submit that the Examiner has not provided substantial evidence that this feature is old and well known. Therefore, according to MPEP § 2144.03, applicants respectfully submit

that the Examiner is required to cite a reference to support this Official Notice if the rejection is to be maintained.

The Examiner also took Official Notice with regards to dependent claims 88 and 90, "that it is old and well known in the computing arts to have multiple redundant modules that perform the same task in order to better pipeline data calculation (e.g. parallel computation) in order to achieve quicker and faster computations." Office Action, page 17. However, as amended, the claim features of "selecting the adjustor [or calculator] module comprises characterizing the product and selecting the adjustor [or calculator] module based on the characteristics of the product," is not old and well known in the computer arts. Applicants also submit that the Examiner has not provided substantial evidence that this feature is old and well known. Therefore, according to MPEP § 2144.03, applicants respectfully submit that the Examiner is required to cite a reference to support this Official Notice if the rejection is to be maintained.

Remarks Regarding Numbering of Claims 17 and 18

When this application was filed, claims 17 and 18 were inadvertently numbered incorrectly due to a typographical error. Applicants kindly request, in accordance with 37 C.F.R. § 1.126 and MPEP § 608.01(j), that the Examiner renumber claims 17 and 18 consecutively in the order in which they appear above (which is - in substance - the same order they appeared when the application was filed).

Conclusion

In view of the remarks presented above, applicants submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of

this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit

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Respectfully submitted,

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